
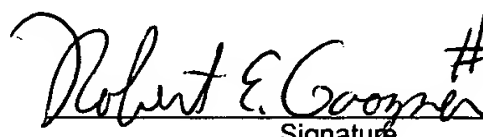
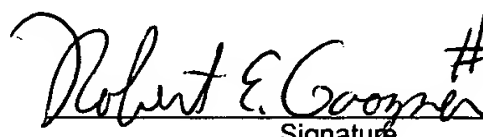
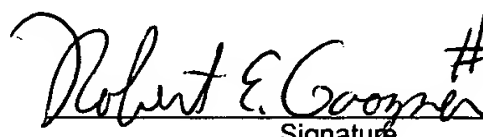


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PTO/SB/33 (07-05)  
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| PRE-APPEAL BRIEF REQUEST FOR REVIEW  |   | Docket Number (Optional)<br>3430-0154P   |  |                          |                      |  |                          |   |                          |   |  |                                     |  |                                    |  |  |                            |
|--|---|--|--|--------------------------|----------------------|--|--------------------------|---|--------------------------|---|--|-------------------------------------|--|------------------------------------|--|--|----------------------------|
|   | Application Number<br>09/741,045-Conf.<br>#5517   | Filed<br>December 21, 2000   |  |                          |                      |  |                          |   |                          |   |  |                                     |  |                                    |  |  |                            |
|  | First Named Inventor<br>Sung-Kon KIM  |  |  |                          |                      |  |                          |   |                          |   |  |                                     |  |                                    |  |  |                            |
|  | Art Unit<br>2871  | Examiner<br>T. V. Duong  |  |                          |                      |  |                          |   |                          |   |  |                                     |  |                                    |  |  |                            |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).<br/>Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table><tr><td><input type="checkbox"/></td><td>applicant /inventor.</td><td rowspan="2"><br/>Signature</td></tr><tr><td><input type="checkbox"/></td><td>assignee of record of the entire interest.<br/>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input type="checkbox"/></td><td>attorney or agent of record.<br/>Registration number _____</td><td>for Joseph A. Kolasch<br/>Typed or printed name</td></tr><tr><td><input checked="" type="checkbox"/></td><td>attorney or agent acting under 37 CFR 1.34.<br/>Registration number if acting under 37 CFR 1.34. 22,463</td><td>(703) 205-8000<br/>Telephone number</td></tr><tr><td></td><td></td><td>September 28, 2005<br/>Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of 1 forms are submitted.</p> |   |  |  | <input type="checkbox"/> | applicant /inventor. | <br>Signature | <input type="checkbox"/> | assignee of record of the entire interest.<br>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | <input type="checkbox"/> | attorney or agent of record.<br>Registration number _____ | for Joseph A. Kolasch<br>Typed or printed name | <input checked="" type="checkbox"/> | attorney or agent acting under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34. 22,463 | (703) 205-8000<br>Telephone number |  |  | September 28, 2005<br>Date |
| <input type="checkbox"/>   | applicant /inventor.  | <br>Signature |  |                          |                      |  |                          |   |                          |   |  |                                     |  |                                    |  |  |                            |
| <input type="checkbox"/>   | assignee of record of the entire interest.<br>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) |  |  |                          |                      |  |                          |   |                          |   |  |                                     |  |                                    |  |  |                            |
| <input type="checkbox"/>   | attorney or agent of record.<br>Registration number _____   | for Joseph A. Kolasch<br>Typed or printed name   |  |                          |                      |  |                          |   |                          |   |  |                                     |  |                                    |  |  |                            |
| <input checked="" type="checkbox"/>  | attorney or agent acting under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34. 22,463                      | (703) 205-8000<br>Telephone number   |  |                          |                      |  |                          |   |                          |   |  |                                     |  |                                    |  |  |                            |
|  |   | September 28, 2005<br>Date   |  |                          |                      |  |                          |   |                          |   |  |                                     |  |                                    |  |  |                            |



Docket No.: 3430-0154P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Sung-Kon KIM

Application No.: 09/741,045

Confirmation No.: 5517

Filed: December 21, 2000

Art Unit: 2871

For: BACK LIGHT DEVICE AND LIQUID  
CRYSTAL DISPLAY DEVICE HAVING THE  
SAME

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Examiner: T. V. Duong

**REQUEST FOR PRE-APPEAL BRIEF CONFERENCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action mailed June 28, 2005, the appellant respectfully requests a pre-appeal brief conference. This request is being filed concurrently with a Notice of Appeal.

This request includes Remarks.

### **REMARKS**

The appellant requests withdrawal of the rejections of record is being clearly erroneous in fact and in law for the reasons set forth below.

### **Status of Claims**

Claims 1-20 are pending in the application. Claims 1-20 stand rejected.

### **Grounds Of Rejection To Be Reviewed**

The first ground of rejection to be reviewed is the failure of Nagakubo (U.S. Patent 6,219,117) to anticipate each and every element of claims 1-5, 7,9, and 10 to support a rejection under 35 U.S.C. §102(e). The second ground of rejection to be reviewed is the failure of Claims 6 and 8 to be *prima facie* obvious over Nagakubo in view of Mashino (U.S. Patent 5,886,759) to support a rejection under 35 U.S.C. §103(a). The third ground of rejection to be reviewed is the failure of Suga (U.S. Patent 6,425,673) in view of Nagakubo to render claims 11-20 *prima facie* obvious under 35 U.S.C. §103(a).

### **The Present Invention**

The present invention pertains to a back light for a liquid crystal device that utilizes a novel reflector that includes colorless ink containing a light scattering agent. Independent claims 1 and 11 of the invention recite an optical component that "includes a printing portion made of colorless ink containing a light scattering agent."

Similarly, independent claims 3 and 12 contain the limitation: "a printing portion made of colorless ink containing a light scattering agent." That is, independent claims 1, 3, 11 and 12 of the invention recite "colorless ink containing a light scattering agent."

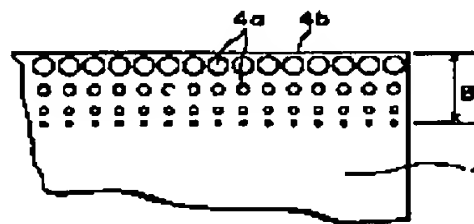
By "colorless," what is meant is a color of objects that reflects nearly all light of visible wavelengths.

### Distinctions Of The Invention Over The Applied Art

The Examiner relies upon Nagakubo to allege that this patent discloses a printing portion made of colorless ink containing a light scattering agent (see Office Action of June 28, 2005 at page 3, lines 10-12).

Figure 3 of Nagakubo is reproduced below.

**FIG. 3**



Nagakubo at column 7, lines 22-34, has the following disclosure:

As shown in FIG. 3, since the *diffusion plate* 4 has the light quantity control portion 4a formed on the one surface thereof which is not subjected to the glaring prevention on the end 4b side located near to the backlight source 8, the light quantity control portion 4a being formed by print or the like to a dot pattern which is *composed of a white material having a light transmitting property to a certain extent*, a part of the light from the backlight source 8 passes through the light quantity control portion 4a and emerges to the lens sheets 3 on the light quantity control portion 4a and the remaining light reflects at the light quantity control

portion 4a and makes *irregular reflection* in the light transmission member 5.  
(emphases added)

However, the transmission/reflection property described in Nagakubo is fundamentally different than the light scattering material of the invention, as has been described in previous responses. That is, the dot pattern of Nagakubo is to control the quantity of light and are comparable to the dot pattern 33a of the invention. However, this optical structure is fundamentally different from the printing portion of the present invention, which functions to scatter light (to prevent bright line), and not to control the quantity of light.

Further, the Examiner asserts that the "white material" of Nagakubo is equivalent to the colorless ink of the invention. The Examiner resorts to semantics to support his position, typically turning to Merriam Webster's Collegiate Dictionary to find a non-technical definition to find that "white" is defined as "free from color" (see Office Action of June 28, 2005 at page 6, lines 21-22). However, colorless inks, i.e., varnishes, are well known.

That is, Nagakubo fails to disclose or suggest a printing portion having a colorless ink containing a light scattering agent. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Nagakubo thus fails to disclose each and every element of claims 1-5, 7, 9 and 10.

Further, this reliance upon a non-technical dictionary definition avoids the Examiner's duty to consider the patentability of the invention as a whole. In determining obviousness, the invention must be considered as a whole and the claims must be considered in their entirety. See *Medtronic, Inc. v. Cardiac Pacemakers, Inc.*, 721 F.2d 1563, 1567, 220 USPQ 97, 101 (Fed. Cir.

1983). The Examiner thus uses impermissible hindsight reconstruction (citations omitted) in alleging *prima facie* obviousness over claims 6, 8 and 11-20.

**Conclusion**

Withdrawal of the rejections is respectfully requested.

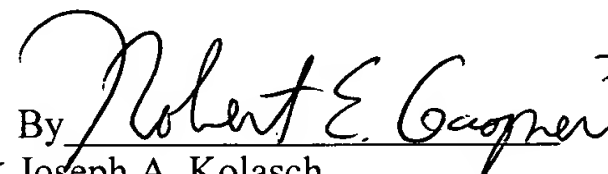
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 28, 2005



Respectfully submitted,

By  #42,593  
for Joseph A. Kolasch  
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Attachment(s)